

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on March 11, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Gary Chamberlain  
Dennis A. Kramer  
Lawrence Littman  
Walter Storrs  
Mark J. Vleck  
David T. Waller  
Wayne Wright

Cindy Pennington  
Robert Schultz

Also Present:

Mark F. Miller, Planning Director  
Brent Savidant, Principal Planner  
Susan Lancaster, Assistant City Attorney  
Richard K. Carlisle, Carlisle/Wortman Associates  
Kathy Czarnecki, Recording Secretary

**Resolution**

Moved by Wright

Seconded by Vleck

**RESOLVED**, that Ms. Pennington and Mr. Schultz be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Pennington  
Schultz

**MOTION CARRIED**

2. MINUTES – February 25, 2003

**Resolution**

Moved by Storrs

Seconded by Vleck

**RESOLVED** to approve the February 25, 2003, Planning Commission Special/Study Meeting minutes as published.

Yeas  
Kramer  
Littman  
Storrs  
Vleck  
Waller  
Wright

Abstain  
Chamberlain

Absent:  
Pennington  
Schultz

### **MOTION CARRIED**

#### 3. PUBLIC COMMENTS

Chairman Littman opened the floor for public comment on items not on the agenda.

There were no public comments.

### **TABLED ITEMS**

#### 4. PUBLIC HEARING - STREET VACATION REQUEST (SV-179) – East ½ of Alger Street, abutting Lots 410 and 433 of John R Gardens Subdivision, North of Birchwood, West of John R, Section 26 – M-1 (*Applicant has requested withdrawal of this request*)

Mr. Miller reported that the petitioner has requested the street vacation request be withdrawn. Mr. Miller noted that the petitioner has applied to the Board of Zoning Appeals for a setback variance, and if granted, the site plan request would come back to the Planning Commission.

Chairman Littman announced that the Public Hearing remains open.

#### PUBLIC HEARING OPENED

No one was present to speak.

#### PUBLIC HEARING CLOSED

### **Resolution**

Moved by Chamberlain

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby receives and files the withdrawn street vacation request, as submitted, for the eastern half of Alger Street right-of-way, which is 25 feet wide and approximately 260 feet in length, between Birchwood Street and Vermont Street, located within John R Gardens Subdivision, abutting lots 410 and 433, in Section 27.

Yeas

All present (7)

AbsentPennington  
Schultz**MOTION CARRIED**

5. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-198) – Article 40.20.00 Parking Requirements (*This item was tabled to the March 11, 2003 Regular Meeting; however at the February 25, 2003 Special/Study Meeting, it was agreed to discuss this item at the March 25, 2003 Special/Study Meeting*)

Mr. Miller reported that the Zoning Ordinance Text Amendment relating to Parking Requirements was tabled to today's meeting; however at the February 25, 2003 Special/Study Meeting, the Commission agreed to discuss the matter in greater detail at the March 25, 2003 Special/Study Meeting. Mr. Miller suggested that the Commission pass a resolution to table the item to the March 25, 2003 Special/Study Meeting for discussion.

Mr. Storrs asked if the Planning Department would have consolidated comments prepared for the March 25<sup>th</sup> meeting.

Mr. Miller responded in the affirmative.

Chairman Littman confirmed that the Public Hearing would remain open.

**Resolution**

Moved by Storrs

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby continues the Public Hearing, for the amendment of Article 40.20.00, Parking Requirements of the Zoning Ordinance, to the April 8, 2003 Regular Planning Commission Meeting.

**FURTHER**, that the Planning Commission will discuss the proposed amendment of Article 40.20.00 at the March 25, 2003 and April 1, 2003 Special/Study Planning Commission Meetings.

Yeas

All present (7)

AbsentPennington  
Schultz**MOTION CARRIED**

**PLANNED UNIT DEVELOPMENT PROPOSAL****6. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North of Big Beaver, East of Rochester Road, Section 23 – R-1E**

Chairman Littman gave an explanation of a Public Hearing procedure. He requested that the public limit their comments to the scope of the proposed project. Chairman Littman stated that the Commission would consider all public comments presented at tonight's meeting and at a future study meeting and noted that a second Public Hearing will be scheduled for residents. Chairman Littman noted that the Commission is advisory only and that City Council has the final decision on the proposed Rochester Commons PUD.

Mr. Miller announced that the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, would be making tonight's presentation. Mr. Miller noted that Mr. Carlisle has been working with the petitioner and the Planning Department in reviewing the proposed project and the Planning Consultant's report has been provided to the Commission. Mr. Miller stated that the proposed Rochester Commons PUD is the City's second PUD project and, per a new City policy, a public informational meeting has been held where the developer and City staff were available to answer questions and concerns of the public and to receive public comment.

Mr. Carlisle introduced himself and explained his working relationship with the City. Mr. Carlisle provided a brief overview of what a Planned Unit Development is. He stated that the PUD ordinance does not contemplate a specific style or type of development, but outlines a planning-driven process where the Commission makes an approval based on a specific development plan. Mr. Carlisle explained that a PUD project must meet certain development objectives and ordinance provisions. He cited that the project must be a demonstrated benefit to the community and a demonstrated enhancement that could not otherwise be achieved without application of a PUD.

Mr. Carlisle stated that the proposed PUD is on a site that has remained dormant for a number of years, noting the abandonment of the old public school. He noted that the site is bordered on the north and east sides by single family residential, a mix of commercial and public space is to the west (the City Fire Department), and Big Beaver Road is to the south. The applicant proposes to construct 7 multi story buildings in a multiple family condominium style of development. Mr. Carlisle noted that 80 condominium units are proposed, ranging in size from 1,100 to 1,300 square feet. Mr. Carlisle reported that the total site is 3.9 acres, and that approximately 9 parcels were assembled to accommodate the project. Mr. Carlisle noted that an aerial photograph of the surrounding area has been provided to the Commission.

Mr. Carlisle briefly reported on the natural resources of the development. He stated that the site is bordered on the northern and eastern perimeters by existing tree

cover, and noted that the trees are in reasonably good condition but not of high quality. Mr. Carlisle said that there are no existing wetlands on site and the floodplain delineation is under reconsideration as a result of the recent drain improvements.

Mr. Carlisle stated that a traffic study has been submitted and reviewed by the City's Traffic Engineer and the determination is that there will be no deterioration of the level of service as a result of impact on this project. Mr. Carlisle projected that the total number of trips generated by a project of this nature would be less than what would be generated during a peak period by an office building, should it be located on the site. He noted that generally condominium projects generate fewer trips per day than a standard single family home.

Mr. Carlisle reported that the applicant is proposing Urbancrest to be the main entry as opposed to creating additional curb cuts onto Big Beaver. The applicant further proposed to make improvements to the Urbancrest entry. Mr. Carlisle noted that the site does have access to sewer and water. The applicant is agreeing to utilize and enhance the existing storm water detention basin on the Fire Department area by enlarging, reshaping and landscaping it.

Mr. Carlisle believes the proposed project has a unique location that will be better served by the use of the flexibility of the PUD ordinance. He said the proposed development is an excellent source of an infill project and use of the PUD ordinance. He feels that the project is better designed and will have less of an impact on the area than if the property were developed in the manner that it is specifically master planned.

Mr. Carlisle stated that all of the elements incorporate quality; i.e., materials, design layout, use of park space, landscaping, and architecture. Mr. Carlisle noted that the applicant has put forth great efforts to consolidate the frontage and cooperate with the City. He noted that the entire frontage would be enhanced with landscaped walkways and pathways that will improve the image of the City property and the entire frontage along Big Beaver. Mr. Carlisle reported that the project includes extensive buffering and screening from adjacent properties above and beyond the current ordinance requirements. He believes the project provides an appropriate use of the site now, and that conversion to another use would be extremely difficult.

Mr. Carlisle spoke with respect to the consistency of the proposed project with the intent of the Master Plan. He noted that Section 35.10.00.H. of the Zoning Ordinance reads: "that the intent of the PUD option is to ensure development that is consistent with the direction of the Master Land Use Plan." Mr. Carlisle noted the ordinance is very specific that the Planning Commission can make a determination of consistency with the Master Plan. Mr. Carlisle's opinion is a determination could be made that this particular project is consistent with the guidance that is given in the Master Plan. Mr. Carlisle noted that in most communities, an office designation is typically used as a transition between more intense commercial uses and less

intense single family residential, or between major thoroughfares and single family residential areas.

Mr. Carlisle reported that it is evident that the former school site is transitional in nature and that the Master Plan designation of office was intended as a transitional category between the more intensive potential use of the corner of Rochester and Big Beaver and the less intensive use surrounding it, which is single family in nature. Mr. Carlisle believes that the proposed development provides a superior transitional use because it is residential in nature. He believes in the long run, the proposed development would be less intense and less obtrusive on the surrounding neighborhood than the potential of office use. In summary, Mr. Carlisle said the intent is for a PUD to remain consistent with the City's Master Plan, and the ordinance provides the Planning Commission with the flexibility to interpret consistency with the Master Plan. It is Mr. Carlisle's opinion that an amendment to the Master Plan is not necessary.

Mr. Carlisle reported that parking is proposed in the garages and in spaces behind the garages, as well as on-street parking. A request has been made to the applicant for clarification on dimensional requirements. Mr. Carlisle applauded the proposed pedestrian circulation throughout the development. He noted that the landscape plan meets or exceeds ordinance requirements.

Mr. Carlisle said that overall the proposed PUD is an attractive and viable use of the property that fits the intent of the PUD ordinance and is a good example of an infill project on a very difficult site.

In summary, Mr. Carlisle recommends approval of the preliminary site plan and PUD designation subject to clarification of the following items: flood plain delineation; approval from the City for use of the detention facility; retention pond fencing; explanation of all requested deviations; barrier-free parking; width of on-street spaces; directional signage; emergency access; and height of light fixtures.

Mr. Storrs asked how the density would compare if the proposed property were zoned to allow condominium development, and in what zoning category would it fall.

Mr. Carlisle responded that if the project were zoned in a multiple family category, its density would be in the middle range of the City's two multiple family categories, and noted that the density of the proposed development is on the lower side. Mr. Carlisle noted that in order to accomplish this project as a multiple family development, a zoning category would have to be achieved.

Mr. Miller stated that the current multiple family zoning district would not allow this type of development. He said that the multiple family district encourages somewhat of an outdated mode of garden-type apartments and that more modern techniques of construction for multiple family development are not permitted within the City's existing zoning. Mr. Miller asked for comments from the Planning Consultant.

Mr. Carlisle responded that the City's current ordinance requirements are based on formulas and approaches that in reality are probably indicative of the way ordinances were written 25 to 30 years ago.

Mr. Kramer asked for a point of clarification on the density, noting that Mr. Carlisle's report quotes 3.88 acres with 80 units, which would arrive at a density of 21 units per acre.

Mr. Carlisle apologized and said that is an error on his part. The 3.88 acres in the report references only the school site. Mr. Carlisle said that the total project area is 4.86 acres, which would attain a density of 21 units per acre.

Mr. Kramer asked what the width of the proposed sidewalk is along Big Beaver.

Mr. Miller stated that 10 feet is the minimum width for a multi-use safety path on a major thoroughfare.

Mr. Carlisle confirmed that the drawing shows the sidewalk as 10 feet in width. Mr. Carlisle said that his recommendation for a safety path is anywhere between 8 to 10 feet, and noted that sidewalk standards keep going upward. He said that a multi purpose pathway is designated for use by pedestrians, bicycles, inline skaters, etc.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed two renditions of the proposed development. Mr. Donofrio said that because of the nature of the infill project, the proposed development would impact a few long-time residents. He addressed one issue relating to the use of the driveways and the dirt road on the former school property. Mr. Donofrio said that a permanent easement would be granted to those property owners to incorporate their driveways into the neighborhood and the use of the road, and noted that the property owners would not incur any of the maintenance costs.

The second issue Mr. Donofrio addressed was the impact the proposed development would have on the existing landscaping. Mr. Donofrio said that it is proposed to remove the large line of spruce trees along the north property line because of their age and deterioration and stated that they would be replaced with plantings, shade trees and a 6-foot high hedgerow. Mr. Donofrio addressed the trees behind the spruce trees for which an arborist conducted a walk-through along the perimeter and reported that some trees are alive and viable but in need of special care. Mr. Donofrio said that the underside area would be cleaned up and those designated trees given special care. Mr. Donofrio noted that the trees along the eastern boundary will remain and any other existing trees will be kept if possible. Mr. Donofrio specifically addressed the Jackson home and said it is proposed to enhance the existing landscaping with a 6-foot high evergreen hedge along the perimeter and shade trees. He noted that he would continue to work directly with the Jackson family on other items of concern.

Mr. Kramer asked for further information on the pond with respect to fencing and maintenance.

Mr. Donofrio explained that the pond is planned to be more of a regional pond to service future infill development and because of the size of the pond, it has been recommended by City administration to fence it. He stated that it is proposed to fence the pond with a heavy rod iron design.

Mr. Miller stated that the maintenance of the fence would be the responsibility of the City because it is on City property. Mr. Miller said that the petitioner has met with City staff to insure that the pond is sufficient in size to be capable of retaining storm water when other infill projects are developed, especially to the north. He noted that the petitioner is providing future benefit to the redevelopment of the whole area and suggested the Commission address any issues it may have with respect to fencing the retention pond at this time.

Mr. Vleck requested that the outdoor lighting be limited in brightness and meet City standards, especially with respect to the units on the north and east boundaries.

Mr. Donofrio confirmed that they would work with the City and hope to tie the outdoor lighting into the landscaping and architectural aspects of the project.

Mr. Waller commented on the boundaries of the retention pond that are dictated by the easements of the drains and asked the Commission to keep in mind the considerations of the Drain Commission.

Chairman Littman reminded the public that tonight's meeting would be televised tomorrow, March 12, at 5:00 p.m.

Mr. Storrs commented that it would be more desirable to locate the proposed park nearer to the fire station and locate the water amenity nearer to the intersection of Big Beaver and Rochester. Mr. Storrs' other concern is that it may be a temptation for some residents to cut through the development via the fire station to Urbancrest.

Mr. Chamberlain commented that a special committee is working on a gateway entrance to the City and suggested not to be concerned about the PUD's proposed water amenity.

Mr. Wright mentioned that it appears the park's location is on top of the huge drain and the water amenity cannot be moved because of the concrete below the surface.

Mr. Miller stated that the initial direction of staff and Mr. Carlisle was to put the water amenity near the intersection, but as the realization that the drain became an issue, it was apparent that the water amenity would be placed in the same area as the existing retention.



PUBLIC HEARING OPENED

Barbara Jackson, 3035 Daley, Troy was present. Ms. Jackson expressed her appreciation with the petitioner's approach to their concerns. Ms. Jackson expressed concerns with respect to the proposed development not meeting the City's PUD criteria, the density of the project, the lack of parking within the development, and the City's maintenance of the trees. Ms. Jackson said the project is not a traditional project and not a well thought out plan and asked that the proposed development be given more study.

Chairman Littman announced that the proposed PUD would be discussed at the March 25<sup>th</sup> Special/Study Meeting and welcomed the public to attend.

Gary Jakubowski of 1120 Hartland, Troy, was present. Mr. Jakubowski expressed concerns with respect to the proposed buffering on the north side of the development and requested a 6-foot high decorative brick wall that would provide a sound barrier, security and eye appeal for the neighbors. He and other neighbors do not want to give up their neighborhood's peace and secluded area for the inevitable construction noise and construction crews that will be there for a one to two year project. Mr. Jakubowski asked if the 25 feet of City property between the proposed PUD and the existing property on Hartland could be deeded to the residents on Hartland so they could maintain the property, and noted that it would provide more of a buffer area to the residents. Mr. Jakubowski expressed concerns with the height of the proposed buildings within the PUD and bright street lighting. For the record, Mr. Jakubowski submitted a letter from the residents addressing their concerns on the proposed PUD development. Mr. Jakubowski questioned if the proposed PUD would landlock his two parcels from further development.

Ann Marie Perkowski of 1168 Hartland, Troy, was present. Ms. Perkowski expressed concern with the spruce trees parallel to Hartland and asked if they could be salvaged, and further asked the height of the trees that are proposed for the development. Ms. Perkowski said that neither her 6-foot privacy fence nor the pine trees would block her view of the project. Ms. Perkowski also questioned the Master Plan with respect to Sprucedale and the potential landlock of other parcels for future development.

Mr. Miller responded that Sprucedale is a small residential local road and is not addressed in the Master Plan. He stated that Sprucedale is both 25 feet and 50 feet wide in that general area, and noted that the piece of property was not platted very well. Mr. Miller explained that if a property owner wanted to develop the property as residential homes, the owner would be required to provide a 60-foot wide road and noted it would be difficult in the area where Sprucedale is only 25 feet.

Mr. Chamberlain, for further clarification, stated that a platted road is not on City plans but only on plats, and that a lot of platted streets that have not been opened.

Mr. Wright questioned if the lots in question would be buildable if the owners donated 35 feet.

Mr. Miller responded that would be a safe assumption, but said he would confirm and report his findings at a future meeting.

Jeff Perez of 1057 Urbancrest, Troy, was present. Mr. Perez expressed his concern with the traffic impact on Urbancrest. He said that it appears the traffic study addresses only Big Beaver and Rochester Roads and does not address the traffic impact on Urbancrest, which he believes would have a huge increase in traffic volume should the development be approved. He asked that the Commission give this serious consideration.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas requested clarification on the traffic pattern through the proposed development with respect to her house and garage. Ms. Haas expressed concerns with traffic, flooding, water pressure, sewer gas, parking and snow removal. Ms. Haas expressed displeasure in losing the morning winter sun through her windows because the proposed development would block the sun. Ms. Haas stated that the Master Plan is not being looked at very far in advance. Ms. Haas raised another concern of hearing the traffic as a detrimental aspect to the proposed development.

Mr. David Hornak was present to represent his parents who live at 1115 E. Big Beaver Road, Troy. Mr. Hornak stated his parents and he are in favor of the proposed development as opposed to a potential office development. It is their belief that an office development would result in more traffic and congestion and not as nice of a looking development as the proposed condos.

There being no one else present to speak, Chairman Littman announced that the Public Hearing would remain open until the next meeting, and reminded the public that the proposed PUD will be on the March 25<sup>th</sup> Special/Study Meeting agenda.

Mr. Chamberlain stated that the petitioner should be using churches next to residential as a starting point for its proposed lighting for the development.

Mr. Donofrio suggested that the earliest date he could address all concerns and issues would be the May regular meeting.

### **Resolution**

Moved by Chamberlain

Seconded by Waller

**RESOLVED**, that the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by the Tadian Developments, for the Rochester Commons Planned Unit Development (FKA Backbay Village PUD), located north of Big Beaver and east of Rochester Road, section 23, within the R-1E zoning district being 4.86 acres in size, be postponed to the May 13, 2003 Planning Commission

meeting, to allow the developer to respond to the Planning Department's, Planning Consultant's, and Planning Commission's comments.

Mr. Kramer requested that the petitioner address the snow removal issue, and further requested the City to address what process might be in place to assure both the City and residents that the development is built per the proposed plan.

Yeas:

Chamberlain  
Kramer  
Littman  
Vleck  
Waller  
Wright

Nays:

Storrs

Absent:

Pennington  
Schultz

**MOTION CARRIED**

Mr. Storrs said he voted no because he would have preferred that the resolution include the public comments voiced during the Public Hearing.

**SPECIAL USE REQUEST**

Chairman Littman announced that the Special Use Request would require five affirmative votes from the Commission for approval.

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU-320) – Proposed Cell Tower, Nextel Communications Wireless Facility, South side of South Blvd., East of Crooks, Section 4 – O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Special Use Request. Mr. Savidant stated that the parcel is approximately 2.2 acres in size and is presently utilized for office space. He noted that the petitioner is proposing a 100-foot high, unlit self-supporting monopole tower, and also that the petitioner received a setback variance from the Board of Zoning Appeals for the required 500-foot setback from residentially zoned or used property. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant said that the parcel is designated on the Future Land Use Plan as Community Services. Mr. Savidant reported that the Planning Commission may specify a height limit to communication towers when approving as a Special Approval Use. Mr. Savidant recommended that two dumpsters be re-located to the existing dumpster enclosure. The applicant submitted a report that demonstrates the need for the wireless communication tower, stating the location is critical to fill in a "gap" in Nextel's existing service area and that collocation on an existing tower at another location would not address the gap issue. Mr. Savidant

also said that the applicant has provided financial assurances that the communication tower would be removed from the site within one year of the date that its use ceases.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Request and Site Plan as submitted, subject to the screening of the two dumpsters, the provision that the communication tower be removed from the site within one year of the date that its use ceases and the provision for future collocation of wireless communication equipment on the tower.

The petitioner, Bryan Monaghan of Nextel Corporation, 255 S. Old Woodward, Birmingham, was present. Mr. Monaghan said he has no problem with meeting the three conditions as cited by the Planning Department. Mr. Monaghan said that Nextel is proposing an unlit self-supporting monopole tower that is designed for additional collocation.

Mr. Kramer questioned where the additional providers would be located with respect to the antenna.

Mr. Monaghan responded that the proposed antenna is designed for four collocations. He noted that additional platforms are affixed to the antenna and additional providers would be approximately 10 to 6 feet below, depending on the exact clearance that would be needed for radio frequency. Mr. Monaghan said that the fourth carrier on this antenna would be at approximately 65 feet, and noted that 65 feet does not provide a wide frequency.

Mr. Monaghan presented a history of similar monopole requests that have been denied by City Council, and addressed areas to which City Council directed Nextel to investigate. Mr. Monaghan stated that Nextel is trying to place an antenna in an appropriate location to cover the gap in the coverage area near I-75. Mr. Monaghan provided displays to show existing coverage, comparisons of coverage in relation to antenna placement, and comparisons in effective coverage of the I-75 gap area. Mr. Monaghan stated that the proposed location is a good location because the base of the tower would be well hidden from residents and area traffic behind two existing buildings. He confirmed that other cell companies would have an interest in utilizing the tower in the proposed location.

Chairman Littman questioned the Assistant City Attorney with respect to federal regulations.

Ms. Lancaster responded that federal regulations are broad in general and indicated that the City cannot deny or set up ordinances that would prohibit cell companies from effective communication and providing satisfaction to their customer base.

Mr. Kramer asked how and why some cell towers work effectively at lower heights and why there appears to be a sudden brick wall against Nextel's signal.

Mr. Monaghan referred to the display boards and showed the maximum extent of a good signal on a good day and the general maximum range.

A short discussion followed.

It was discovered that the display boards were not displaying the different color shades appropriately and it was clarified that the symmetrical pattern referencing effectiveness is the same.

Mr. Kramer questioned the length of time the proposed tower would provide adequate coverage.

Mr. Monaghan responded that the tower would provide adequate coverage for at least 5 to 6 years, noting that an increased demand in the area would be the only reason that he could see would debase its coverage. He also stated that 100 feet for a monopole tower is about as low a height one can go.

Mr. Kramer asked if Nextel had growth patterns of use.

Mr. Monaghan responded that he is not privy to that information.

At the request of Mr. Storrs, Mr. Monaghan explained in further detail how the proposed tower would resolve the I-75 coverage gap.

#### PUBLIC HEARING OPENED

O. H. Kaltsounis of 6798 Joslyn, Troy, was present to speak. Mr. Kaltsounis voiced his concerns with the tower's location near the senior home and the possibility of the tower falling on top of the home during bad weather conditions. Other concerns Mr. Kaltsounis voiced were cancer, interference, and lower property values for nearby neighbors. Mr. Kaltsounis said that the neighbors did not want a tower before and still do not want one, and noted that many neighbors did not receive notification of the Special Use Request. Mr. Kaltsounis stated that he has no reception difficulties when using his cellular phone in his home, and asked why the tower could not be placed on I-75.

Larry Bennett of 6885 Jasmine, Troy, was present to speak. Mr. Bennett stated that locating a 100-foot tower in a resident's back yard is very serious and was surprised that the Board of Zoning Appeals notification to residents was limited to a minimal distance. Mr. Bennett noted that a cell tower is located at 19 and Mound Road near businesses, and questioned why a tower could not be located near Troy's many businesses. Mr. Bennett feels it is not critical to place the tower at the proposed location and that it could easily be located further south. He noted that the Planning Commission is designed to help residents protect their investments. Mr. Bennett voiced concern with the minutes of the Board of Zoning Appeals meeting in that it appears the tower height may change. Mr. Bennett said that a cellular tower is not aesthetically pleasing and does not fully benefit Troy. Mr. Bennett indicated that he

is doing research into the precedence set for litigation with respect to aesthetically pleasing reasons for not allowing cellular towers within Michigan.

Chairman Littman confirmed that the Board of Zoning Appeals approved variance for only a 100-foot tower.

Mr. Storrs questioned Mr. Bennett where his house is located in relation to the tower.

Mr. Bennett responded that he is at 6885 Jasmine, two houses down from Andrew.

Mr. Kaltsounis stepped up to the podium again and questioned the variance granted by the Board of Zoning Appeals with respect to the distance from the next lot.

Chairman Littman read the motion as published in the November 19, 2002 Board of Zoning Appeals minutes, specifically noting "...to construct a 100' tall monopole tower installed at the farthest edge on the west side of the property..."

Mr. Waller stated that in the event the tower fell over, it would hit the Rite-Aid drug store, the building to the front or the building adjacent to it and the Ameritech building and the senior home would not be affected.

#### PUBLIC HEARING CLOSED

Chairman Littman asked the petitioner what affect the tower would have for the residents living in the senior complex.

Mr. Monaghan said there would actually be no affect on the senior residents, primarily because of the low power signal. Mr. Monaghan noted that cellular antennas are located on the top of hospitals. Mr. Monaghan stated that the safety issue of cellular towers is addressed in the Federal Telecommunications Act of 1996 wherein basically the safety issue was preempted. Mr. Monaghan said the cellular towers fall far below the Federal safety standards, less than 1%. Mr. Monaghan also addressed the possibility of a collapse of the tower. He stated that the proposed tower is designed to buckle upon itself; the top 40% of the tower would buckle over and lean up against the bottom half, eliminating the loading issue that caused the failure in the first place. He also noted that the tower is designed to withstand 90 mph wind with a half-inch coating of ice.

Chairman Littman asked the process of collocation.

Mr. Monaghan responded that the collocation procedure is accomplished through applications and set fees, noting that it is less expensive and easier for a carrier to collocate than to erect its own tower. Mr. Monaghan noted that there are no known colocators at this time, but said collocation requests usually come in after a tower is erected.

Mr. Storrs said that there are some things that residents need to put up with in this modern world, and it is his belief the proposed 100-foot tower is reasonable and in a good location.

**Resolution**

Moved by Storrs

Seconded by Chamberlain

**RESOLVED**, that the Special Use Approval, pursuant to Section 24.30.05 of the Zoning Ordinance and the Preliminary Site Plan Approval, as requested for the proposed Nextel wireless communication facility/cell tower, located on the south side of South Boulevard and east of Crooks, Section 4, within the O-1 zoning district, be granted, subject to the following conditions:

1. All dumpsters on the site be located within the dumpster enclosure.
2. The applicant shall provide financial assurances, in a form acceptable to the City Manager, that the communication tower shall be removed from the site within one (1) year of the date that its use ceases, as per Section 24.30.05.F of the City of Troy Zoning Ordinance.
3. To minimize the impact of communication towers on the City of Troy, the applicant shall provide for future collocation of wireless communication equipment on the tower per Section 24.30.05.D of the City of Troy Zoning Ordinance.
4. Cellular tower is at a height to 100 feet as provided by the City Zoning Board of Appeals action.

**Yeas:**

Chamberlain  
Littman  
Storrs  
Vleck  
Waller  
Wright

**Nays:**

Kramer

**Absent:**

Pennington  
Schultz

**MOTION CARRIED**

Mr. Kramer stated he voted no because he would have preferred the petitioner and future petitioners to submit better plans explaining how additional towers would support future plans for more capacity and new technology.

Chairman Littman requested a 5-minute break at 9:45 p.m.

The meeting reconvened at 9:50 p.m.

### **SITE CONDOMINIUM SITE PLANS**

8. SITE PLAN REVIEW – Proposed Pine Creek Ridge Site Condominium, 3 units proposed, North side of Pine Creek Court, East of Livernois, Section 3 – R-1B

Mr. Savidant presented a summary of the Planning Department report for the proposed Pine Creek Ridge Site Condominium. Mr. Savidant stated that the applicant is proposing to construct a 3-unit site condominium on 1.326 acres, which represents a density of 0.4 dwelling units per acre. He noted that a single family home currently sits on the property. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant noted that the property is designated on the Future Land Use Plan as Low Density Residential, and the applicant meets all area and bulk requirements. Mr. Savidant reported the applicant proposes to utilize the detention basin to the southeast of the proposed development, and there are no regulated wetlands on the property. Mr. Savidant stated that it would be required to amend the existing plat because of proposed boundary changes and moving the 6-foot wide surface drainage easement. A 5-foot wide public sidewalk on both sides of Pine Creek Court and an 8-foot wide sidewalk on the east side of Livernois Road are proposed.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Condominium application as submitted, subject to amending the prior Final Approval for Pine Creek Estates Subdivision, to relocate the platted 6-foot wide private surface drainage easement and change the boundaries of the subdivision.

Mr. Storrs questioned if the two lots are of the same ownership, and if so, why the property is not being developed as a whole.

The petitioner confirmed that he owns all the lots.

Mr. Savidant stated it is the applicant's option to develop the property as proposed.

Mr. Wright corrected the density quoted in the Planning Department's report. The correct density is 2.262 dwelling units per unit.

The petitioner, Maurice Gennari of 3018 Barnes, Waterford, was present.

Chairman Littman opened the floor for public comment.



Mark Dube was present to represent his parents who live at 140 Ottawa, Troy. Mr. Dube was appreciative of the information handed out referencing the differences between single family homes and site condominiums. He had no further questions or comments.

The floor was closed.

**Resolution**

Moved by Vleck

Seconded by Wright

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Pine Creek Ridge Site Condominium, 3 units proposed, located on the north side of Pine Creek Court and east of Livernois, Section 3, within the R-1B zoning district, be approved, subject to the following condition:

1. Pine Creek Estates Subdivision will need to be amended prior to Final Approval, to relocate the platted 6-foot wide private surface drainage easement and change the boundaries of the subdivision.

Yeas

All present (7)

Absent

Pennington  
Schultz

**MOTION CARRIED**

9. SITE PLAN REVIEW – Proposed Rhode Island Estates Site Condominium, 19 units proposed, North side of Big Beaver, East and West of Rhode Island, Section 24 – R-1E

Mr. Savidant presented a summary of the Planning Department report for the proposed Rhode Island Estates Site Condominium. Mr. Savidant stated that the parcel is approximately 5.44 acres in area and reviewed the parcel history. At the request of the Planning Department, the applicant provided three optional layouts for the development. The Planning Department recommends Concept Design #3 that proposes 19 units and includes a stub street at both the eastern and western property lines for Wyandotte Drive, plus a potential vehicular connection with Cedar Knoll Drive. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant noted that the property is designated on the Future Land Use Plan as Medium Density Residential, and that all area and bulk requirements are met. Mr. Savidant reported that the applicant would be required to provide 2 off-street parking spaces per unit. Mr. Savidant stated that access to the site condominium would be provided by Rhode Island Drive, a 28-foot wide paved

street within a 60-foot wide right-of-way, and the existing Rhode Island Drive that is a 50-foot wide 'paper street' would need to be vacated. Mr. Savidant said the applicant is providing a 12-foot wide storm sewer easement, a 15-foot wide sanitary sewer easement and a 12-foot wide pathway easement, noting that the pathway easement should be revised to a 12-foot wide public walkway. A 5-foot wide sidewalk along both sides of Rhode Island Drive and Wyandotte Drive and a 12-foot wide pathway connection to Orpington Road to the north will be provided.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Condominium application as submitted subject to providing a dedicated 12-foot wide public walkway.

Mr. Waller questioned the difference between the 12-foot easement and 12-foot public walkway.

Mr. Savidant responded that the easement would comprise of the two units' private property whereas the walkway would be public. He confirmed that public walkway would be dedicated to the City, as well as the streets and sidewalks.

Mr. Chamberlain commented that the City requires the public walkways to be clear and any potential maintenance issues would be eliminated.

Mr. Storrs asked if the Planning Department has any comments with respect to the potential development to the west.

Mr. Savidant said that the area is vacant and there is potential for development. He addressed that the City encourages interconnectivity and it would be preferable that there be more than one access point into the residential development.

Mr. Storrs asked if City Council gave consideration to providing a connection to the west.

Mr. Miller responded in the negative because the property was far south and there was not much opportunity to do that. Mr. Miller said that clearly there is vacant land to the west of the subject property, and the Planning Department has encouraged the petitioner and his representative to work on interconnection options. The petitioner's stance is if access to the west were provided, buildable sites would be lost.

Mr. Wright stated that he personally believes that because curbs, gutters and sidewalks are going into the proposed development, that interconnectivity to the west should be provided.

The petitioner, Victor DeFlorio of 3609 Cedar Brook, Rochester Hills, was present. Mr. DeFlorio provided a brief history and referenced the displays presented before the Commission. It is Mr. DeFlorio's belief that the proposal before the Commission tonight is a wise choice. Mr. DeFlorio requested resolution with the proposed

development as presented because it meets the true proposal that was generated last year, and they are experiencing financial strains resulting from the various stages of development. Mr. DeFlorio estimated a loss of \$65,000 that would result from revenue loss of 3 premium lots, and costs to add the road and extend both sewer and water.

Chairman Littman opened the floor for public comment.

Liyun Zhang of 2160 Orpington, Troy, was present to speak. Mr. Zhang said the proposed development abuts his back yard. He asked for a definition of a site condominium. Mr. Zhang also voiced concerns with the existing wet condition of his back yard and the closeness of the proposed buildings to his back yard.

The floor was closed.

Chairman Littman confirmed that the proposed development would be single family homes.

Bill Soderberg of 42802 Mound, Fen & Associates, Sterling Heights, was present to represent the petitioner. Mr. Soderberg confirmed that any drainage problems would be resolved. Mr. Soderberg stated the rear setback requirement is 35 feet, and noted that the setback distance would probably be greater at Mr. Zhang's property line because of the angle of the property.

Mr. Kramer questioned the finish grade of the lots with respect to existing lots.

Mr. Soderberg responded the grade would be fairly close and drainage would be provided at the abutting lot lines, which would improve the area.

Mr. Storrs questioned the transition of the brick ledge from the new lots to existing lots, and noted he would lobby for the gentlest transition possible.

Mr. Soderberg estimated a 1 to 4 slope, according to engineering standards.

Mr. Waller asked the petitioner if there would be an interest in developing the proposed Concept Design #3 with the extension of Wyandotte to the west to create a stub street for future development.

Mr. Soderberg commented that 3 premium lots would be lost.

Mr. DeFlorio noted that there are 6 or 7 entrances on the south side of Big Beaver from John R to Cedar Knoll. He said that should the parcels to the west be developed, a curb cut could be placed at the north side entrance to Cedar Knoll and Rhode Island and the amount of curb cuts to Big Beaver on the north side would be less than what is now on the south side. Mr. DeFlorio assumes a single entrance in and out would be able to service the entire area to the west.

Chairman Littman asked the Planning Department for its viewpoint.

Mr. Miller stated that another curb cut onto Big Beaver would probably be justified for future development to the west. Mr. Miller further addressed the depth of the proposed lots with relation to the minimum sidewalk requirements.

Mr. Kramer commented that from a planning perspective, there is an opportunity to provide for interconnection to the west for future development and a curb cut on Big Beaver could be eliminated. He stated that he is not in favor of the development as proposed.

Mr. Waller commented that it would be a disservice to the residents of the proposed development on Rhode Island and Wyandotte to handle all the potential traffic that would result from future development to the west.

Mr. Vleck commented that providing a stub street is no guarantee that another curb cut onto Big Beaver would not be justified in the future.

Mr. Wright voiced his concern that should the parcels to the west be developed separately, there remains a possibility that more than one curb cut onto Big Beaver would result.

Mr. Waller commented that the potential for another curb cut onto Big Beaver is valid no matter what happens.

Mr. DeFlorio explained that drainage from the abutting lots would drain toward the proposed development and the sewer system would absorb any water into its system.

**Resolution**

Moved by Waller

Seconded by Vleck

**RESOLVED**, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Rhode Island Estates Site Condominium, 19 units proposed located on the north side of Big Beaver, east and west of Rhode Island, Section 24, within the R-1E zoning district, be approved subject to the following conditions:

1. The provision of a 12 foot wide Public Walkway, connecting the proposed site condominium to Orpington Road, between units 9 and 10.

Yeas:

Chamberlain  
Littman  
Vleck  
Waller

Nays:

Kramer  
Storrs  
Wright

Absent:

Pennington  
Schultz

**MOTION CARRIED**

Mr. Kramer voted no because it is his belief a plan should be in place for interconnection to future development to the west.

Mr. Storrs agreed there should be a plan for the interconnection for future development to the west. He further stated there should be a cross section showing grade transition for the development prior to City Council action so that compatibility with abutting residential lots is maintained.

Mr. Wright voted no because the proposal was not inclusive of a plan for interconnection for future development to the west.

**SITE PLANS**

10. SITE PLAN REVIEW (SP-887) – Proposed Fire Station, Fire Station #3 Redevelopment, North side of Big Beaver, East of Lakeview, Section 20 – C-F and O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Fire Station #3 Redevelopment. Mr. Savidant said that the subject property is presently comprised of two parcels (Parcel A and Parcel B) that are approximately 2.096 acres in area, and noted that the City proposed to combine the two parcels into one. The current use and current zoning classifications of the adjacent parcels were reviewed. Mr. Savidant reported that the existing office building would be demolished and replaced with Fire Station #3 and the existing Fire Station #3 would be replaced with a parking lot. The property is designated on the Future Land Use Plan as a Fire Station. Mr. Savidant noted that the applicant meets the area and bulk requirements of the O-1 Office Building district and meets the parking requirements.

Mr. Savidant reported that the most westerly, two-way access drive would be used for firefighters to enter and leave the off-street parking lot, and also for emergency vehicles entering the site. The most easterly drive would be used for emergency vehicles leaving the site. Mr. Savidant said that the traffic island on Big Beaver would need to be re-designed to accommodate turning movements into the fire station from eastbound Big Beaver Road, and the traffic signals on eastbound and westbound Big Beaver would also need to be relocated. Mr. Savidant stated that

the applicant is proposing to utilize the existing regional detention pond that abuts the property to the north.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted with the condition that a 10-foot wide landscaped greenbelt be provided along Big Beaver Road, with one tree per 30 lineal feet of frontage, or a total of 12 trees, as per Section 39.70.02.

Chairman Littman noted that the Road Commission should review this project because Big Beaver Road is a County road.

The architect, Joseph Novitsky of JSN Architects, 30100 Telegraph Road, Suite 350, Bloomfield Hills, was present. Mr. Novitsky stated he has worked very closely with the City's Landscape Analyst and James Scott. Mr. Novitsky questioned the Planning Department's condition of providing a 10-foot wide landscaped greenbelt along Big Beaver. Mr. Novitsky said that the proposed landscape plan allows for needed visibility of fire equipment exiting the fire station, and noted that he would have to refer to Fire Chief Nelson should the Planning Department require a change.

A short discussion followed.

Mr. Miller stated that the site plan must provide a 10-foot wide landscaped greenbelt to meet ordinance requirements and noted that any waiver or exception to the plan would have to be considered by the Board of Zoning Appeals.

William Nelson, Fire Chief, was present on behalf of the petitioner, the City of Troy. Chief Nelson stated that the required landscaped greenbelt would definitely result in a vision obstruction for fire equipment exiting the fire station. He said the plan would be studied further for other possible options and/or a variance would be sought from the Board of Zoning Appeals. Chief Nelson provided a brief history of the department's search of locations for the proposed fire station, and noted that the proposed location is not the optimal location choice but the only one that is workable.

### **Resolution**

Moved by Chamberlain

Seconded by Vleck

**RESOLVED**, that pursuant to Article 27.30.02 of the Zoning Ordinance, the Planning Commission certifies that the proposed Fire Station # 3 is located and treated so as to minimize adverse effects on adjacent properties.

***FURTHER RESOLVED***, that the Planning Commission recommends to the City Council that the Preliminary Site Plan Approval for the proposed Fire Station #3, located on the north side of Big Beaver and east of Lakeview, Section 20, within the C-F and O-1 zoning districts, be granted, subject to the following condition:

1. Provide a 10-foot wide landscaped greenbelt along Big Beaver Road, with 1 tree per 30 lineal feet of frontage, or a total of 12 trees, as per Section 39.70.02.

Yeas

All present (7)

Absent

Pennington  
Schultz

**MOTION CARRIED**

11. SITE PLAN REVISION (SP-536) – Proposed American Polish Cultural Center, Northwest Corner of Maple and Dequindre, Section 25 – B-2

Mr. Savidant presented a summary of the Planning Department report for the proposed American Polish Cultural Center. Mr. Savidant reported that the applicant received Preliminary Site Plan Approval from the Planning Commission for a proposed 1-story addition to the existing building on January 14, 2003. The applicant has revised the site plan by adding an additional 453 gross square feet of building area, relocated the detention basin and rearranged the off-street parking area. Mr. Savidant noted the parking requirement of 430 spaces has been met, and further the proposed detention pond has a 1 on 6 slope in the northwestern portion of the property.

In summary, Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as revised.

John Vitale of Stucky & Vitale Architects, 27172 Woodward, Royal Oak, was present to represent the petitioner. Mr. Vitale said that through the process of engineering and fine-tuning the construction document phase, it was determined to make a few minor revisions to the site plan. Mr. Vitale said the detention pond was reworked to accommodate storm water and improvements were made to the vehicular and pedestrian circulation on the site.

**Resolution**

Moved by Vleck

Seconded by Kramer

**RESOLVED**, that the Preliminary Site Plan for the American Polish Cultural Center located at the northwest corner of Maple and Dequindre, Section 25, within the B-2 zoning is hereby granted.

**Yeas**

All present (7)

**Absent**Pennington  
Schultz**MOTION CARRIED****GOOD OF THE ORDER**

Mr. Miller reminded the Commission that identification photos will be taken prior to the March 25<sup>th</sup> meeting. Details will be forwarded in the meeting packet.

**ADJOURN**

The Regular Meeting of the Planning Commission was adjourned at 11:03 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP  
Planning Director